



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

- against-

LOCAL 638, et al.,

Defendants.
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71-CV-2877 (LAK) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Judge Kaplan has referred to me for resolution the Special Master's Application Requesting Guidelines And Rules Governing Defendant Local 580's Audit Of Books And Records Of The Special Master's Office And The Members Assistance Program. I have reviewed the parties' submissions at Dkts. 501, 502, and 503.

It appears from the submissions that Local 580 and the Special Master are in agreement on several of the guidelines and rules that will govern the audit, including (1) excluding personal financial records of Special Master employees or third-party consultants or experts; (2) conducting the audit so as not to interfere with the Special Master's ability to fully and timely carry out his duties; (3) not intruding into any areas where MAP counselor-client confidentiality or privilege must be maintained; and (4) limiting distribution or discussion to certain personnel pursuant to a protective order.

The areas of disagreement appear to be (1) the time period to be covered by the audit; (2) the scope of the audit, and in particular whether it should include records for entities other than Local 580 (such as Local 28); and (3) whether the auditor should be

selected by meet and conferral following a bid process, or instead by the Court's appointment of Stan Moskowitz or Withum.

In light of the narrowing of the issues, the Court directs the Special Master and Local 580 to meet and confer to see whether they can reach agreement on the remaining issues and to file a status report by July 12, 2023. If the parties have not reached agreement on all issues by that time, the Court will proceed to resolve the open ones.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: June 28, 2023
New York, New York

Copies transmitted via ECF to all counsel of record
and the Special Master.